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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,880	11/06/2001	Andrew Hamilton	003636.0131	4508
7590 08/11/2004			EXAMINER	
ASHOK K. MANNAVA 281 MURTHA STREET ALEXANDRIA, VA 22304			VO, TED T	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/985,880

Applicant(s)

HAMILTON ET AL.

*SP*

Examiner

Ted T. Vo

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,13,14,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3-12,15-24 and 27-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the communications filed on 11/06//2001.

Claims 1-36 are pending in the application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 13-14, 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kodosky et al. (US 6,173,438).

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Kodosky discloses,

*"A method for executing application programs, comprising:*

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*receiving at least one application program in a client device* (Kodosky shows a compiled graphical program in a host computer (Client device) – column 3, lines 60-67);

*activating said at least one application program* (This executable graphical program can be activated via an editor (page 14, line 15) or from a TCP server (page 14, lines 30-32)).

*instantiating a run-time engine* (Kodosky shows a Labview front panel associated with an embedded system 'run-time engine' which is enabled when executes the compiled graphical program (Figure 11; and also see column 4, lines 14-15));

*and executing said at least one application program by said run-time engine* (Kodosky shows a Labview program in the panel (Figure 11) is executed by the embedded system (Figure 8)).

As per Claim 2: Kodosky discloses, "The method according to claim 1, further comprising: registering said at least one application program with an operating system of said client device; and displaying an icon configured to represent said at least one application program in response to said registration" (Kodosky shows the editor (See column 2, lines 42-67, see column 14, line 15; see Figure 11, 'File', 'Edit', etc., (*displaying icon*)) used to be configured to edit or to store the compiled graphical program).

As per Claims 13 and 25: Claims 13 and 25 have the limitation corresponding to functionality performed by the method of Claim 1. Claims 13 and 25 are rejected in the same reason set forth in connecting to the rejection of Claim 1.

As per Claims 14 and 26: Claims 14 and 26 have the limitation corresponding to functionality performed by the method of Claim 2. Claims 14 and 26 are rejected in the same reason set forth in connecting to the rejection of Claim 2.

***Allowable Subject Matter***

4. Allowable subject matter of Claims 3-12, 15-24, and 27-36

As per Claims 3, 15 and 27:

Claims 3, 15 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art of record, Kodosky, and cited prior arts of record, alone or in combination, do not disclose *"registering a process identification corresponding to said activated said at least one application program; and executing a GO method by said run-time engine"* as recited in Claim 3 and in such manner in Claims 15 and 27.

As per Claims 4-12, 16-24, and 28-36: Claims 4-12, 16-24, and 28-36 are objected to because the claims are depended on Claims 3, 15, and 27 respectively, which are objected to as above.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Burgess.**, US 5,652,888, discloses an object oriented run-time engine provided for component interconnection.

**McMillan et al.**, US 6,118,448, discloses a flowchart system that is coupled with a run-time system.

**Alan et al**, "A Framework for Run-time Systems and its Visual Programming Language", ACM, discloses a visual builder used to build a front-end graphical of a program.

**Firmage**, "Visual AppBuilder Architecture Overview", Novell Research, discloses a visual programming framework, a run-time engine, used for creating program flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TED T. VO

TTV  
Patent Examiner  
Art Unit 2122  
August 5, 2004